



Department of Justice

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THURSDAY, DECEMBER 18, 2003
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MARIE SELBY BOTANICAL GARDENS, INC. AND EMPLOYEE CHARGED WITH VIOLATING THE ENDANGERED SPECIES ACT

WASHINGTON, D.C. - The Department of Justice today filed criminal charges in the U.S. District Court in Tampa, Florida, against Marie Selby Botanical Gardens, Inc. and Wesley E. Higgins for violating the Endangered Species Act by possessing, and later returning to Peru, an orchid that was smuggled into the United States. The maximum penalty for this offense is one year imprisonment and/or a \$100,000 fine.

The orchid species involved, a new species of Tropical Lady's Slipper, *Phragmipedium kovachii*, recently was discovered in Peru. Higgins is the Director of Systematics at Marie Selby Botanical Gardens, in Sarasota, Florida where the orchid was brought.

"The Justice Department takes seriously any breach of conservation laws committed by businesses and individuals privileged to deal with endangered and threatened species," said Tom Sansonetti, Assistant Attorney General for the Justice Department's Environment and Natural Resources Division.

All species of the genus *Phragmipedium*, commonly known as Tropical lady's slipper orchids, are protected under an international treaty called the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). All orchid species of the genus *Phragmipedium* are listed in Appendix I of CITES, a classification of species threatened with extinction that may be traded only in exceptional circumstances, and then only as authorized by permit. The United States implements CITES through the Endangered Species Act (ESA). Under its provisions, it is a criminal misdemeanor violation to trade listed plants species in violation of CITES or to possess any that have been so traded.

The investigation of this case was led by Special Agents of the U.S. Fish and Wildlife Service, with assistance from the Virginia Department of Game and Inland Fisheries; U.S. Department of Agriculture; U.S. Customs Service, officials of CITES management authority in Peru known as INRENA; and the U.S. Attorney's Office, Eastern District of Virginia. The case is being prosecuted by the U.S. Attorney's Office, Middle District of Florida and the Wildlife and Marine Resources Section, Environment and Natural Resources Division, U.S. Department of Justice in Washington, D.C..

Today's charges are a formal accusation and are not proof of guilt. Defendants are presumed innocent until and unless they are found guilty.

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